

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION
April 16, 2015

DATE RECOMMENDATION ISSUED
April 1, 2015

**CASE TITLE - Ann Treboux v. Rebekah Krell and the San Francisco Arts Commission
(File No. 15017)**

FACTS OF THE CASE

Ann Treboux (Complainant) made a complaint alleging that Rebekah Krell and the San Francisco Arts Commission violated Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely manner.

COMPLAINT FILED

On February 27, 2015, Ms. Treboux filed a complaint with the Task Force regarding the alleged violation.

HEARING ON THE COMPLAINT

On March 17, 2015, the Complaint Committee heard the matter.

Ms. Treboux provided a summary of the complaint and requested the Task Force to find violations. Ms. Treboux stated that her Immediate Disclosure Request was not reviewed by the San Francisco Arts Commission in a timely manner as the email request was forwarded to a junk email box.

Kate Patterson-Murphy, San Francisco Arts Commission (SFAC)(Respondent) acknowledged that the Immediate Disclosure Request send directly to Ms. Krell (SFAC) was accidentally forwarded to Ms. Krell's junk email box. The reason for the misdirection of the email is unknown. However, steps have been taken to be sure that Ms. Treboux's emails to the San Francisco Arts Commission do not get marked as junk email in the future. Upon discovery of the problem, the San Francisco Arts Commission responded to the request on the same day. The SFAC has recently created a general e-mail address to accept public records requests to resolve the problem of requests being sent to employees who are absent for an undetermined time.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the Complaint Committee finds the testimony of the Complainant to be persuasive and finds Administrative Code (Sunshine Ordinance), Sections 67.25(a), applicable in this case.

RECOMMENDATION

The Complaint Committee recommended that the Sunshine Task Force (SOTF) accept the determination that the SOTF has jurisdiction and that Rebekah Krell and the San Francisco Arts Commission violated Administrative Code (Sunshine Ordinance), Section 67.25(a), for failure to respond an Immediate Disclosure request in a timely manner.

The Complaint Committee further recommends no additional follow-up is required as the San Francisco Arts Commission has already taken steps to correct the problem.

The recommendation was adopted by the Complaint Committee on March 17, 2015, by the following vote:

Ayes: 3 - Rumold, Hinze, Fischer
Noes: 0 - None

On April 1, 2015, the Sunshine Ordinance Task Force reviewed and adopted the Complaint Committee recommendation and found that Rebekah Krell and the San Francisco Arts Commission violated Administrative Code (Sunshine Ordinance), Section 67.25(a), for failure to respond to an Immediate Disclosure Request in a timely manner by the following vote:

Ayes: 8 - Wolf, Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn
Noes: 0 - None
Absent: 1 - Chopra



Allyson Washburn, Chair
Sunshine Ordinance Task Force

c. Members, Sunshine Ordinance Task Force
Nicholas Colla, Deputy City Attorney
Ann Treboux, Complainant
Rebekah Krell, San Francisco Arts Commission
Kate Patterson-Murphy, San Francisco Arts Commission